

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DANIEL Z. STERN, individually, and as Parent and
Natural Guardian of SASHA STERN, a minor,

Plaintiffs,

-against-

OXFORD HEALTH PLANS, INC.,

Defendant.
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CV12-2379 (JFB)(ETB)

**DECLARATION OF CRYSTAL B.
IRBY-SOARES IN SUPPORT OF
DEFENDANT OXFORD HEALTH
INSURANCE, INC.'S MOTION
FOR SUMMARY JUDGMENT**

CRYSTAL B. IRBY-SOARES, pursuant to 28 U.S.C. §1746(2), declares under penalty of perjury the following:

1. I am an employee of United HealthCare Services, Inc. as a Supervisor, Clinical Appeals Department. As part of my duties, I am responsible for resolving claims issues for United HealthCare, Inc. entities, including the Defendant, Oxford Health Plans (NY), Inc. ("Oxford"). As Supervisor, Clinical Appeals Department, I review the records related to member appeals regularly created and maintained by Oxford and its parent and related companies in the regular course and scope of their business. As such, I am familiar with the records related to the member's appeal in this matter based on my experience in this position and my review of Oxford's records related to the appeal.

2. This Declaration is respectfully submitted in support of Oxford's motion for summary judgment.

3. Annexed hereto as Exhibit "E" are true and correct copies of materials from Plaintiff's administrative claim file kept and maintained by Oxford in the normal and ordinary course of its business, which consists of the following:

- (a) Oxford's Appeals Correspondence File, Bates Stamped Stern00239 through Stern00296; and
- (b) Clinical Notes File, Bates Stamped Stern00297 through Stern00328.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 27, 2013


Crystal B Irby-Soares

CERTIFICATE OF SERVICE**CERTIFICATE OF SERVICE**

I, JOHN T. SEYBERT, hereby certify and affirm that a true and correct copy of the attached DECLARATION OF CRYSTAL B. IRBY-SOARES was served via ECF on this 28th day of February, 2013, upon the following:

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*Attorneys for Plaintiff, Daniel Z. Stern, individually, and as Parent
and Natural Guardian of Sasha Stern*

Dated: New York, New York
February 28, 2013

s/ John T. Seybert

JOHN T. SEYBERT (JS-5014)